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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,289	10/17/2001	Rodney P. Ehrlich	739/37925/31	7844

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/982,289

Applicant(s)

EHRlich, RODNEY P.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-25,27,28,30,31 an 34-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-25,27,28,30,31,34-37 and 48-73 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,14,15,19,38,40 and 42-47 is/are rejected.
- 7) ☒ Claim(s) 8,10-13,16-18,39 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2004 have been entered.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 7, 14, 15, 38, 40, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN to Cerutti. Cerutti discloses a door closure device configured for use with a trailer having a door, the door closure device comprising:

a sleeve (10) mounted on the door (1, 2) of the trailer and sandwiching the sleeve therebetween; end caps (11, 12) disposed at each end of the sleeve; a lock rod (7) disposed in the sleeve sandwiched between the door and sleeve and extending through an opening in the end caps; a cam structure (5, 6) provided at the ends of the lock rod; a handle assembly (9) connected to the lock rod, the handle assembly having structure thereon configured to engage corresponding structure on the trailer, thereby locking the door in place, the handle assembly

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configured for actuation to rotate the lock rod, thereby selectively locking and unlocking the door; and a thrust bearing (15) disposed between said end cap and said cam structure, the thrust bearing being in direct contact with the end cap and the cam structure, the thrust bearing being rotatable relative to the stainless steel end caps and the cam structure and is located at respective ends of the lock rod.

As to claims 3 and 7, as seen in Fig. 3, the sleeve is of a U-shape construction with depending flanges or rails that include fastening apertures to mount the sleeve to the door, which extends the length of the door as seen in Fig. 1. Further, in Fig. 1, the handle assembly includes a tongue or a central horizontal extending rib, which is received by opposing receiving clamps attached to the trailer to maintain the handle in place.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerutti. As seen in Fig. 1 of Cerutti, the handle assembly is mounted at a lower section of a trailer door but Cerutti does not disclose that the handle assembly hangs below a door as claimed. It would have been obvious to one having ordinary skill at the time of applicant's invention to selectively locate a handle assembly below a corresponding door, since it has been held that the re-arrangement of working parts of an invention involves only routine skill in the art.

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Furthermore, applicant does not state that the position of the handle assembly solves any relevant problem or is arranged for a particular purpose and the handle assembly of Cerutti operates equally as well.

Claims 5, 6, 42, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerutti in view of USPN 4,660,872 to Carson et al, and in further view of USPN 3,451,705 to Turpen. Cerutti discloses the use of a thrust bearings (15) disposed between the end caps and the handle assembly but Cerutti does not disclose that the bearings are split bearings made of high-density polyethylene. Carson et al teaches a latch mechanism including polyethylene thrust bearings (26, 126) providing self-lubricating properties and Turpen shows a split bearing assembly (22) that is easily changeable. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door closure device of Cerutti to include the combination of features taught by Carson et al and Turpen to provide a thrust bearing for a door closure device providing a smooth self lubricating buffer that is easily changeable.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cerutti in view of USPN 4,082,330 to McWhorter. Cerutti discloses all the limitations of the above claims except Cerutti does not disclose that the tongue member is generally T-shaped or that the corresponding structure has a T-shaped opening or slot. McWhorter teaches a door lock assembly comprising a handle assembly having a handle (12) and a T-shaped tongue structure (19) configured to engage a corresponding T-shaped slot (21) mounted on respective doors (13) to firmly and securely

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locks the handle. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door closure device of Cerutti to include the door lock assembly of McWhorter to provide a handle assembly having compatible shaped parts to firmly and securely lock the parts in union.

### **Allowable Subject Matter**

Claims 20-25, 27, 28, 30, 31, 34-37 and 48-73 are allowed over the prior art of record.

Claims 8, 10-13, 16-18, 39 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the combination of limitations set forth in the above claims whether taken alone or used in combination. In particular the prior art fails to disclose or suggest a door lock mechanism useable with doors of semi-trailer including a handle assembly having a handle and a second structure provided on the handle to engage a corresponding receiving structure on the trailer, the second structure comprises a dog or tongue disposed on the handle to engage a corresponding aperture or opening on the trailer. A member or lever is further disposed on the handle and includes a gripping portion and a pin that extends through an aperture in the handle, the dog or tongue of the second structure and the pin of the lever are inserted within the aperture or opening of the trailer, where the lever is inclined relative to a horizontal plane at an angle between zero and ninety degrees such that the lever can be

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moved into engagement with the corresponding aperture or opening of the trailer primarily by gravity.

### **Response to Applicant's Arguments**

Applicant's arguments filed with the Request for Continued Examination on January 22, 2004 have been fully considered but they are not persuasive. In response to applicant's remarks on pages 21-29 of the above amendment and the amendment to the claims, #3,627,366 to Cerutti has been cited which more clearly define the structural elements between the prior art and applicant's claimed invention, more so than Bennett. Accordingly, claims 1, 3, 4, 7, 14, 15, 19, 38, 40, 44, 45 and 47 are found to be unpatentable over Cerutti, claims 5, 6, 42, 43 and 46 are unpatentable over Cerutti in view of Carson et al and further in view of Turpen. Claims 8, 10-13, 16-18, 39 and 41 are objected to and claims 20-25, 27, 28, 30, 31, 34-37 and 48-73 are allowed.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ROBERT J. SANDY**  
**PRIMARY EXAMINER**